IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2641 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE J.M.PANCHAL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

RATIBHAI A PATEL GENERAL SECRETARY

Versus

SECRETARY

Appearance:

1. Special Civil Application No. 2641 of 1988

MR PK JANI for Petitioner No. 1

MR MUKUL SINHA for Petitioner No. 1

MR MR MENGDE, AGP for Respondent No. 1-3

MR KG VAKHARIA, SR.ADVOCATE with MR MEHUL VAKHARIA for Respondent No. 4-5

CORAM : MR.JUSTICE J.M.PANCHAL

Date of decision: 13/09/2002

ORAL JUDGEMENT

#. By filing this petition under Article 226 of the Constitution of India, the petitioner has claimed the following reliefs in paragraph-8 of the petition:

(A) That this Hon'ble Court may be pleased to quash and set aside all the appointments of trainee clerks and peons made by the respondents 4 and 5 during the month of April, 1988;

(B) That this Hon'ble Court may be pleased pending hearing and final disposal of this petition, direct the respondents 4 and 5 not to keep those trainee clerks and peons on probation and be further pleased to direct the respondents 4 and 5 not to confirm all those trainee clerks appointed in the month of April, 1988;

(C) Be further pleased to direct respondent Nos.4 and 5 not to give any appointments as trainee clerks or peons without giving advertisement in the newspapers;

(D) That this Hon'ble Court may be pleased to direct the registrar, i.e. respondent No.2 herein, to take appropriate action under Section 160 of Gujarat Co-operative Societies Act against the respondent-Bank.

(E) That this Honourable Court may be pleased to direct respondents 1, 2 and 3 to see that the circular, dated 6.4.1984 Annexure B to the petition is strictly followed by the respondents 4 and 5 of the Bank.

(E) That this Honourable Court may be pleased to award any such other and further reliefs as may be required in the nature and circumstances of the case.

(F) That this Honourable Court may be pleased to award the costs of this petition.

#. After service of notice, an affidavit in opposition is filed by Mr.A.R.Patel, Manager of the Mehsana District Central Cooperative Bank Limited.

#. During the course of hearing of the petition, Mr.Mukul Sinha, the learned counsel for the petitioner, on instructions from the petitioner, has not pressed the prayers made in Paragraphs 8(A), 8(B), and 8(D) of the petition. Therefore, those reliefs are rejected as not pressed.

#. Mr.K.G.Vakharia, learned Senior Advocate appearing for respondent No.4, states that respondent No.4 will not make any appointments as trainee clerks or peons without giving advertisement in the newspapers.

#. In view of the statement made by learned Senior Advocate appearing for respondent No.4, it is directed that the respondent No.4 shall not give any appointments as trainee clerks or peons without giving advertisement in the newspapers in future. Subject to above quoted direction, the petition is disposed of with no order as to costs. Interim relief granted earlier is vacated. Rule is discharged. No order as to costs.

(J.M.Panchal, J.)

(sunil)